

BOARD OF VETERANS' APPEALS NOTICE FEE AGREEMENT DECISION

A copy of the Board of Veterans' Appeals (BVA) final decision concerning your agreement for fees for representation before the Department of Veterans Affairs (VA) accompanies this notice. You need do nothing further if you are satisfied with the outcome. We will return the file to the local VA office to implement the BVA's decision. If you are not satisfied with the BVA's decision, you have three options:

(1) Motion for Reconsideration: You may file a "motion" asking the BVA to reconsider its decision by writing a letter to the BVA showing why you believe that the BVA committed an obvious error of fact or law in its decision. Address your letter to: Director, Administrative Service (014), Board of Veterans' Appeals, 810 Vermont Avenue, NW, Washington, DC 20420. The Board places no time limit on filing a motion for reconsideration.

(2) Motion to Revise the Board's Decision on the Basis of Clear and Unmistakable Error: You may also file a motion asking that the Board revise its final decision if you believe the decision is based on "clear and unmistakable error" (CUE). Care should be used in preparing such a motion because it must meet very specific requirements and the Board will not review a final decision on this basis more than once. The Board encourages you to carefully review its Rules of Practice on CUE, at 38 C.F.R. 20.1400 – 20.1411 (1999), and *seek help from a qualified representative before filing such a motion*. See "Representation before VA," below. The Board places no time limit on filing a CUE review motion.

(3) Appeal to the United States Court of Appeals for Veterans Claims: You have the right to appeal this decision to the United States Court of Appeals for Veterans Claims (known as the United States Court of Veterans Appeals prior to March 1, 1999) (hereinafter, "the Court"). A Notice of Appeal must be filed with the Court within 120 days from the date of mailing of the notice of the BVA's decision. The date of mailing is the date that appears on the face of the enclosed BVA decision. The Court's address is: The United States Court of Appeals for Veterans Claims, 625 Indiana Avenue, NW, Suite 900, Washington, DC 20004. You may obtain information about the form of the Notice of Appeal, the procedure by which you may file your Notice of Appeal with the Court, the filing fee, and other matters covered by the Court's rules directly from the Court. You must also mail a copy of the Notice of Appeal to the VA General Counsel (027), 810 Vermont Avenue, NW, Washington, DC 20420. However, this does not take the place of the Notice of Appeal you must file with the Court. *Filing a copy of your Notice of Appeal with the General Counsel, the Board, or any other VA office WILL NOT protect your right of appeal to the Court.*

You may do one or any combination of the above three things, but filing a concurrent Notice of Appeal with the Court and a motion with the Board may delay your case because of jurisdictional conflicts. If you file a Notice of Appeal with the Court before you file a motion with the BVA, the BVA will not be able to consider your motion without the Court's permission. You will still have time to appeal to the Court after you file a motion for reconsideration with the Board if you file your motion promptly. The Court has held that, if we receive your motion for reconsideration within 120 days from the date we mailed you the BVA's decision, you will still be able to file a Notice of Appeal with the Court within a period of 120 days from the date that the Board mails you either notice that it has denied your motion or notice of its decision on reconsideration.

Representation before VA: You may represent yourself before the BVA, or you may appoint someone to represent you. You may appoint an accredited representative of an organization recognized by VA (a "service organization"), or another individual whom you choose, to represent you in your claim. These persons may not charge a fee to represent you. In the alternative, you may appoint an attorney-at-law or a VA accredited agent to represent you. These persons may charge you a fee for their services under the following circumstances: (1) you filed a Notice of Disagreement with respect to the claim on or after November 18, 1988; (2) a final BVA decision was subsequently issued with respect to that claim; and (3) you retained the attorney or accredited agent to represent you within one year from the date of the final BVA decision on that claim. An attorney or agent can charge a reasonable fee without meeting these requirements for services provided after October 9, 1992, in connection with a proceeding in a case arising out of a loan made, guaranteed, or insured under Chapter 37 of title 38, United States Code. In all VA cases, a copy of any fee agreement between you and an attorney or accredited agent must be filed at this address: Office of the Chief Counsel (01C), Board of Veterans' Appeals, 810 Vermont Avenue, NW, Washington, DC 20420. The BVA may review the fee agreement for reasonableness on its own motion, or you or your attorney or accredited agent may file a motion for the BVA to review the fee agreement for reasonableness at the same address at which the agreement was filed.

Representation before the Court: Information about representation before the Court may be obtained by writing directly to the Court. Upon request, the Court will provide you with a state-by-state listing of persons admitted to practice before the Court who have indicated their availability to represent appellants.